

ATTORNEY DOCKET NUMBER: 079171.0214

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Derek Lownsbrough
Serial No.: 10/788,646
Filed: February 27, 2004
Group No.: 2451
Examiner: TIV, BACKHEAN
For: Methods, Apparatuses and Systems Facilitating
 Classification of Web Services Network Traffic
Docket: 079171.0214

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION (37 C.F.R. §1.321 (c)) AND
CERTIFICATE UNDER 37 C.F.R. §3.73 (b)**

I, Betsy Bayhà, Vice President and Secretary, of Packeteer, Inc., represent that Packeteer, Inc. is the assignee and the exclusive owner of the entire right, title and interest of, in and to application Serial No. 10/788,646, filed on February 27, 2004, for *Methods, apparatuses and systems facilitating classification of web services network traffic*, as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel 015033, Frame 0165; and certify that to the best of assignee's knowledge and belief, title is in the assignee seeking to take action; and that I am empowered to act on behalf of assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Furthermore, I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Packeteer, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application, that would extend beyond the expiration date of any patent that may grant from U.S. Patent Application Serial No. 10/938,968 filed September 10, 2004, also assigned to and owned by said Packeteer, Inc. as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel 015794, Frame 0543, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent that may grant from U.S. Patent Application Serial No. 10/938,968 filed September 10, 2004, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Packeteer, Inc., however, does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of the above-referenced U.S. Patent that may grant from U.S. Patent Application Serial No. 10/938,968 filed September 10, 2004, in the event that one or more of the following occurs: the U.S. Patent that may grant from U.S. Patent Application Serial No. 10/938,968 filed September 10, 2004, expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The \$140.00 fee required by 37 C.F.R. 1.20(d) is submitted herewith and believed to be correct. However, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

04 20, 2008

Date

Betsy Bayha

Betsy Bayha